

Entered - 10/09/00 - sb  
CL00L0606 - DIANNE C. MITCHELL

00- *R* -2019

CLAIM OF: **PAUL LOVELESS**  
**4140 Jeffrey Drive**  
**College Park, Georgia 30349**

For damages alleged to have been sustained as a result of property damage due to sewer back ups on August 16, 2000, August 25, 2000 and September 8, 2000 at 2345 Macon Drive.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **PAUL LOVELESS** the sum of **\$1,470.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of property damage due to sewer back ups on August 16, 2000, August 25, 2000 and September 8, 2000 at 2345 Macon Drive as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0606

Date: December 1, 2000

Claimant /Victim PAUL LOVELESS

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 4140 Jeffrey Drive, College Park, Georgia 30349

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,470.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 09/19/00 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/16/00, 08/25/00 & 09/08/00 Place: 2345 Macon Drive

Department Public Works Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant incurred property damage due to a series of sewer back ups. The City was on notice of a problem with the sewer and was unable to correct it after the first occurrence.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ 1,470.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 12-01-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

10/09/00

Today's Date: 9/11/2000

SEP 19

09-19-00P12:59 RCVD

Dear Municipal Clerk:

ENTERED - 10-9-00 - SB

00L0606 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,470 property and/or  
\$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 8/16, 8/25/9/8 (month/day/year). 2. Time of Incident: 11:25<sup>pm</sup>, 12:27<sup>pm</sup> 3. Police called: 11:14<sup>pm</sup> Yes ☒ No ☐

4. Location of incident (including street address): 2345 macen DR, Atlanta, GA. 30354

5. Name of your insurance company: State Farm Policy No. 91-35-7883-2

6. State what and how incident occurred: main city sewer line stepped-up causing water and sewage to back up in bottom apt. tub & toilet over-run spilling water & sewage in bath room, bedroom and all the way down the hall and out the door. Two of your employees can verify Mr. Burdett & Mr. Jerry Foreman

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Mr. Burdett & Mr. Jerry Foreman, Sewer Dept. (Name) (Address) (Telephone Number)  
624-0751  
624-0753

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Paul Loveless  
Signature of Claimant

PAUL Loveless  
(Print Claimant's Name)

4140 Jeffery DR.  
(Address)

College Park, GA. 30349  
(City, State and Zip Code)

(Work Number)

(Home Number)

00- -2019

(404) 768-3972